

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

CONNIE HILBMANN,

Plaintiff,

v.

Carolyn W. Colvin,

Defendant.

CASE NO. 3:15-cv-05835-JLR-KLS

REPORT AND  
RECOMMENDATION

Noted for July 15, 2016

This matter is before the Court on plaintiff's failure to file an opening brief. This matter has been referred to the undersigned Magistrate Judge.<sup>1</sup> The undersigned recommends the Court dismiss plaintiff's complaint without prejudice for failure to prosecute.

On May 19, 2016, noting that plaintiff had missed her deadline for filing her opening brief, the undersigned issued an order to show cause directing her to do so by June 16, 2016.<sup>2</sup> In that order, the undersigned warned plaintiff that failure to file her opening brief by that date would be deemed a failure to prosecute, resulting in a recommendation that this matter be

<sup>1</sup> *Mathews, Sec'y of H.E.W. v. Weber*, 423 U.S. 261 (1976); 28 U.S.C. § 636(b)(1)(B); Local Rule MJR 4(a)(4).

<sup>2</sup> Dkt. 12.

1 dismissed.<sup>3</sup> To date, plaintiff has not filed an opening brief. The undersigned thus recommends  
2 the Court dismiss plaintiff's complaint for failure to prosecute.

3 The parties shall have **fourteen (14) days** from service of this Report and  
4 Recommendation to file written objections thereto.<sup>4</sup> Failure to file objections will result in a  
5 waiver of those objections for purposes of appeal.<sup>5</sup> Accommodating the time limit imposed by  
6 Fed. R. Civ. P. 72(b), the clerk is directed set this matter for consideration on **July 15, 2016**, as  
7 noted in the caption.

8 Dated this 30th day of June, 2016.

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12 Karen L. Strombom  
13 United States Magistrate Judge  
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23 <sup>3</sup> *Id.*

24 <sup>4</sup> 28 U.S.C. § 636(b)(1); Federal Rule of Civil Procedure (Fed. R. Civ. P.) 72(b); *see also* Fed. R. Civ. P. 6.

<sup>5</sup> *Thomas v. Arn*, 474 U.S. 140 (1985).